

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: John Flaton, III

Debtor

CHAPTER 13

U.S. BANK NATIONAL ASSOCIATION,
TRUSTEE FOR THE PENNSYLVANIA
HOUSING FINANCE AGENCY

Movant

NO. 16-18349 ELF

vs.

John Flaton, III

Debtor

11 U.S.C. Section 362

William C. Miller

Trustee

STIPULATION

AND NOW, it is hereby stipulated and agreed by and between the undersigned as follows:

1. The post-petition arrearage on the mortgage held by the Movant on the Debtor's residence, referenced in Movant's Motion for Relief, is **\$7,941.02**, which breaks down as follows:

| | |
|------------------------------------|---|
| Post-Petition Payments: | January 2017 through September 2017 at \$750.00/month |
| Late Charges: | January 2017 through September 2017 at \$17.78/month |
| Fees & Costs Relating to Motion: | \$1,031.00 |
| Total Post-Petition Arrears | \$7,941.02 |

2. The Debtor shall cure the aforesaid arrearage in the following manner:

a). Debtor shall amend Debtor's Chapter 13 Plan to provide for payment of the post-petition arrears of **\$7,941.02** through the Plan, together with the pre-petition arrears. Debtors shall take any steps necessary to amend the Plan, including filing a motion to modify the plan post-confirmation, which Debtors shall do within seven (7) days of the court order approving of and/or granting this stipulation;

b). Movant shall file an Amended or Supplemental Proof of Claim to include the post-petition arrears of **\$7,941.02** along with the pre-petition arrears;

c). The 410A form for a Proof of Claim shall not be required for this Amended or Supplemental Proof of Claim.

3. Beginning with the payment due October 1, 2017 and continuing thereafter, Debtor shall pay the regular contractual monthly mortgage payment of \$750.00 (or as adjusted pursuant to the terms of the mortgage) on or before the first (1st) day of each month (with late charges assessed after the 15th of the month).

4. Should Debtor provide sufficient proof of payments made, but not credited (front & back copies of cancelled checks and/or money orders), Movant shall adjust the account accordingly.

5. In the event that the payments specified under Section 3 above are not tendered pursuant to the terms of this stipulation, Movant shall notify Debtor and Debtor's attorney of the default in writing and the Debtor may cure said default within FIFTEEN (15) days of the date of said notice. If Debtor should fail to cure the default within fifteen (15) days, Movant may file a Certification of Default with the Court, upon which the Court shall enter an Order granting relief from the automatic stay and waiving the stay provided by Bankruptcy Rule 4001(a)(3), which the parties hereby agree to waive with respect to said Order. The Order shall be in the form set forth in the proposed form of order filed with Movant's instant Motion for Relief, or in a form substantially similar. ("Movant" in this paragraph and hereinafter refers to Movant or to any of its successors or assignees, should the claim be assigned or transferred.)

6. If the case is converted to Chapter 7, Movant shall file a Certification of Default with the Court and the Court shall enter an order granting Movant relief from the automatic stay.

7. If the instant bankruptcy is terminated by either dismissal or discharge, this agreement shall be null and void, and is not binding upon the parties.

8. The provisions of this stipulation do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this stipulation, including fees and costs, due under the terms of the mortgage and applicable law.

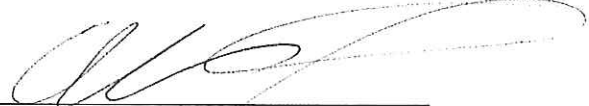
9. The parties agree that a facsimile signature shall be considered an original signature.

Date: September 25, 2017

By: /s/ Matteo S. Weiner, Esquire

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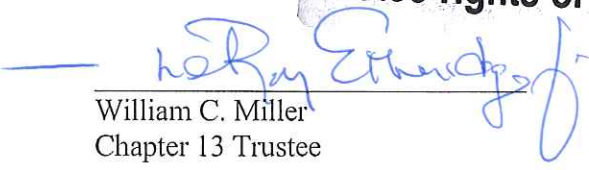
Date: 10/19/17


Akeem B. Parsons, Esq.
Erik B. Jensen, Esq.
Attorney for Debtor

NO OBJECTION

***without prejudice to any
trustee rights or remedies**

Date: 10/27/2017


William C. Miller
Chapter 13 Trustee

Approved by the Court this ___ day of _____, 2017. However, the court retains discretion regarding entry of any further order.

Eric L. Frank
United States Bankruptcy Judge